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**Board of Vocational Nursing
and Psychiatric Technicians**

KAMALA D. HARRIS
Attorney General of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General
BRIAN S. TURNER
Deputy Attorney General
State Bar No. 108991
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 445-0603
Facsimile: (916) 327-8643
Attorneys for Complainant

**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2006-2353

**ANTHONY GUIANG GUILLERMO
11821 South Carson Way
Gold River, California 95670**

A C C U S A T I O N

Vocational Nurse License No. VN 207267

Respondent.

Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

2. On or about December 11, 2003, the Board issued Vocational Nurse License Number VN 207267 to Anthony Guiang Guillermo ("Respondent"). On or about September 30, 2007, the license expired. On or about January 29, 2010, the license was renewed. The license will expire on or about September 30, 2011, unless renewed.

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STATUTORY PROVISIONS

3. Business and Professions Code ("Code") section 2875 provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

4. Code section 118(b) provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 2892.1, the Board may renew an expired license at any time within four years after the expiration.

5. Code section 2878 states, in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for the following:

(a) Unprofessional conduct.

(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

(h) Impersonating another practitioner, misrepresenting professional credentials or licensure status, or permitting another person to use his or her certificate or license.

(j) The commission of any act involving dishonesty, when that action is related to the duties and functions of the licensee.

6. Code section 2878.5 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or administer to another, any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous drug, or the prescription, consumption, or self-administration of any of

1 the substances described in subdivisions (a) and (b) of this section, in which event the
2 record of the conviction is conclusive evidence thereof.

3 **COST RECOVERY**

4 7. Code section 125.3 provides, in pertinent part, that the Board may request the
5 administrative law judge to direct a licensee found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case.

8 **DRUGS**

9 8. "Marijuana" is a Schedule I controlled substance as designated by Health and
10 Safety Code section 11054(d)(13).

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Conviction of a Crime)**

13 9. Respondent is subject to discipline under Code section 2878(f), in that on or about
14 February 16, 2011, in the case of *People v. Anthony Guiang Guillermo*, (Super. Ct. Sacramento
15 County, 2010, Case No. 10T06096), Respondent was convicted by the Court on his plea of nolo
16 contendere of violating Vehicle Code section 23152(b) (driving a vehicle with a .08% or higher
17 blood alcohol level, to wit: .10%), a misdemeanor. The circumstances are that on
18 November 25, 2010, Respondent drove a vehicle with a blood alcohol level of .10%. The crime
19 is substantially related to the qualifications, functions or duties of a licensed vocational nurse.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Use of Alcohol in a Dangerous or Injurious Manner)**

22 10. Respondent is subject to discipline under Code section 2878(a), on the grounds of
23 unprofessional conduct as defined in Code section 2878.5(b), in that on or about
24 November 25, 2010, Respondent used an alcoholic beverage to an extent or in a manner
25 dangerous or injurious to himself and the public when he operated a vehicle with a blood alcohol
26 level of 0.10%, as set forth above in paragraph 9.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Conviction of a Crime Involving the Consumption of Alcohol)**

3 11. Respondent is subject to discipline under Code section 2878(a), on the grounds of
4 unprofessional conduct as defined in Code section 2878.5(c), in that on or about
5 February 16, 2011, Respondent was convicted of a crime involving the consumption of alcohol,
6 as more particularly set forth above in paragraph 9.

7 **BACKGROUND INFORMATION**

8 12. On or about June 11, 2007, the Board received information from IntelliStaf
9 Healthcare (staffing agency) that Respondent tested positive for Marijuana in a pre-employment
10 drug screen on May 17, 2007. During the Board's investigation, following an interview with an
11 investigator on October 19, 2009, Respondent admitted to having smoked Marijuana on
12 October 8, 2009. On or about January 28, 2010, Respondent submitted to a drug test that was
13 positive for Marijuana. Also during the Board's investigation, it was discovered that
14 Respondent's vocational nursing license had expired on September 30, 2007, while he was
15 employed as a licensed vocational nurse at Sacramento Heart & Vascular Medical Associates,
16 and that Respondent continued working as a vocational nurse at Sacramento Heart & Vascular
17 Medical Associates without a valid license for over two years, until the license was renewed on
18 January 28, 2010.

19 **FOURTH CAUSE FOR DISCIPLINE**

20 **(Possessed and Self-Administered a Controlled Substance)**

21 13. Respondent is subject to discipline under Code section 2878(a), on the grounds of
22 unprofessional conduct, as defined by Code section 2878.5(a), in that on or about May 17, 2007,
23 October 8, 2009, and January 28, 2010, Respondent did the following:

24 a. Respondent Possessed Marijuana, a controlled substance, in violation of Code
25 section 4060, in that he did not have a prescription for that controlled substance.

26 b. Respondent self-administered Marijuana, a controlled substance, without direction
27 to do so from a licensed physician and surgeon, dentist or podiatrist.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Use of a Controlled Substance)**

3 14. Respondent is subject to discipline under Code section 2878(a), on the grounds of
4 unprofessional conduct, as defined by Code section 2878.5(b), in that on or about May 17, 2007,
5 October 8, 2009, and January 28, 2010, while a vocational nurse, Respondent used a controlled
6 substance, Marijuana, to an extent or in a manner dangerous or injurious to himself, any other
7 person, or the public, or to the extent that such use impairs his ability to conduct with safety to the
8 public the practice authorized by his license.

9 **SIXTH CAUSE FOR DISCIPLINE**

10 **(Impersonating a Licensee)**

11 15. Respondent is subject to discipline under Code section 2878(h), in that between
12 September 30, 2007, and January 28, 2010, while employed as a vocational nurse at Sacramento
13 Heart & Vascular Medical Associates, located in Sacramento, California, Respondent
14 misrepresented his licensure status as valid when, in fact, it was not. Respondent's vocational
15 nurse license expired on September 30, 2007, and was not renewed until January 29, 2010.

16 **SEVENTH CAUSE FOR DISCIPLINE**

17 **(Dishonesty)**

18 16. Respondent is subject to discipline under Code section 2878(j), in that between
19 September 30, 2007, and January 28, 2010, while employed as a vocational nurse, Respondent
20 committed acts involving dishonesty by representing to his employer, Sacramento Heart &
21 Vascular Medical Associates, located in Sacramento, California, that he had a valid vocational
22 nurse license when, in fact, he did not.

23 **PRAYER**

24 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Director of Consumer Affairs issue a decision:

26 1. Revoking or suspending Vocational Nurse License Number VN 207267, issued to
27 Anthony Guiang Guillermo;

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1 2. Ordering Anthony Guiang Guillermo to pay the Board of Vocational Nursing and
2 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
3 pursuant to Code section 125.3; and,

4 3. Taking such other and further action as deemed necessary and proper.

5 DATED: June 7, 2011


TERESA BELLO-JONES, J.D., M.S.N., R.N.

Executive Officer

Board of Vocational Nursing and Psychiatric Technicians

Department of Consumer Affairs

State of California

Complainant

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